

## **How Normal Is Natural? Towards a Deconstruction of Subaltern Sexual Universes and a Redefining of Sexual Activism in the Indian Context**

**Spence Jones**  
The College of William & Mary

*The current study explores the sexual lives of queer, male-bodied individuals in Delhi, India. In doing so, it examines the ways in which a sample of queer Indians perceive, make sense of, and discuss sex and sexuality in a judicial environment that deems “unnatural” sexual offenses as criminal. The results indicate that for almost all respondents, sex and sexuality are understood solely through a biomedical framework, whereby their manifestations are conceived as innate components of human personhood. In demonstrating the ahistorical and pre-discursive nature to such an approach, however, the study effectually demonstrates its limits. Furthermore, it posits that such dialogic limitations affect the way in which members of the queer community define and engage in sexual politics and activism. What this suggests, then, is the need to completely overhaul our conceptualization of queerness and to (re)democratize the queer community so as to create a space within which different voices are given the agency needed to speak out in resistance against broader structures of hetero-normative power.*

### **Introduction**

Beginning in 1991, the liberalization of India's economic policies stimulated a process of globalized cultural exchange that had profound consequences for how Indians understood the self. An influx of market-based, sexualized media campaigns from the West began to reconstitute the ways in which Indian sexuality was presented, discussed and performed. Evolving conceptions of sex and sexuality, especially within the middle to upper-middle class urban enclaves, have become enmeshed in an embryonic public discourse that places “pleasure” and “personal freedom” alongside reproductive justifications for sex. Such a discourse, however, must be looked at critically in terms of who it allows to be a part of the

conversation, the lifestyles it promotes, and, inevitably, how it defines sexual citizenship (Ramasubban, 2007).

Following the Supreme Court's ruling in *Kounish v. Naz Foundation* in December 2013, which re-criminalized "unnatural sex" under Section 377 of the Indian Penal Code (IPC), great precaution must be taken when approaching this contemporary moment for sexuality politics in India. During the process of deciding what questions to ask, who will ask them, and how to frame them, Bhan argues that:

[W]e are making—consciously or not—critical and defining choices within each of these spaces of protest. These choices will shape the queer community in a myriad of ways, and as such, must be taken with, if nothing else, a deep knowledge of the consequences of our actions ( 2005).

The present study seeks to answer the following question: how is the self constituted and perceived in sexual terms and what are the consequences of this process? It situates its analysis within a broader framework of biopower as put forth by Foucault in *The History of Sexuality* (1976), in order to understand the power dynamics in contemporary India. More specifically this study seeks to explain how heteronormative and patriarchal state institutions hold a monopoly over the modes in which the sexualized self can be understood and consequently the ways in which a citizen engages sexual politics and political action. Through a discursive analysis of interviews with 12 non-heterosexual and male-bodied Indians, the study determined that all respondents described and perceived their alternative sexualities in biomedical—as opposed to social and political—terminology. This indicates a proclivity among the participants to equate sexuality with personhood. This can be accounted for, in part, by a colonial legacy that forced Indian's to understand their selves in the terms of their colonizers (Khanna, 2005). Further discussion elucidates the effects of this reductionist approach on perceptions towards political engagement: specifically, that all but one participant did not consider the performance of sexuality and sexual acts as forms of political action. Consequently, this paper argues for a redefining of sexual activism along similar lines to Giorgio Agamben's theory of "Sovereign Power and the Bare

Life” (as cited in Khanna et. al, 2013). According to this theory, the sovereign state is the only entity capable of imposing a state of exception—that is, a space where the laws, rights, and political meaning is suspended. As Khanna et. al note in their working paper *The Changing Faces of Citizen Action: A Mapping Study through an ‘Unruly’ Lens*, “It is by suspending the law that the sovereign establishes its position beyond that law” (2013). It is in this framework that the current study seeks to situate definitions of sexual activism. By continuing to engage in non-heteronormative sexual behaviors within a judicial environment that deems those behaviors as “unnatural,” and, therefore, criminal, the members of this study are engaging with the state by adjudicating the limits of the law and the acceptable modes of political action. If, then, the goal is to establish a society where sexual identity and behavior are not dictated by heteronormative and patriarchal institutions, political action, in the words of David Graeber, is “simply the defiant insistence on acting as if one is already free” (2011).

To be clear, this paper is an attempt to apply a nascent theoretical approach to sexuality politics in a localized setting. By first historicizing sexuality in the Indian context, we ascertain the multiple and complex ways in which patriarchal and heteronormative institutions of the state have shaped and constricted discourses on sexuality in ways that maintain their hegemony. Derived from the sample of queer individuals, conceptualizations of sexual politics and political action are analyzed discursively in interviews with twelve non-heterosexual, male-bodied Indians in Delhi. Its discussion explores how these institutions have shaped the way in which these respondents conceptualize sexuality and the politics that surround and inform it. The essay then offers a new approach for discussing sexuality in the context of political action, one that reminds us that the personal is always political. In the end, it is a means to explore the localized meaning of political action in a state whose institutions proscribe a subset of sexual behaviors and identities to the point of criminality.

Before continuing, it is of importance to clarify the nomenclature that will be used to describe the sexual universes of the respondents in this study. Self-identification of sexuality varied

somewhat, with four participants identifying as gay, three as gay men, three as queer, and one as bisexual. The reasons for identifying as such varied per individual, which speaks to the heterogeneity that characterizes the vast universe of non-heteronormative sexualities and practices. With respect to this diversity, this paper will employ the term “queer” as an organizing heuristic to conceptualize the diverse sexual universes of the respondents. It follows David Halperin’s definition of queer, which is:

...[W]hatever is at odds with the normal, the legitimate, the dominant. "Queer" then demarcates not a positivity, but a positionality vis-à-vis the normative.... Queer in any case, does not designate a class of already objectified pathologies or perversions; rather, it de-scribes a horizon of possibility whose precise extent and heterogeneous scope cannot in principle be delimited in advance. It is from this eccentric positionality occupied by the queer subject that it may become possible to en-vision a variety of possibilities for reordering the relations among sexual behaviors, erotic identities, constructions of gender, forms of knowledge, regimes of enunciation, logics of representation, modes of self constitution and practices of community (1995).

Thus, although it may not be the term in which the participants identified, queer is deployed as a political analysis of the diverse forms of resistance to heterosexual norms. It is intended to capture the political appropriation of non-heterosexual sexualities and the performance of criminal and subversive sexual acts. Queer is not to imply an identity of a specific community. Rather, it is to necessarily restore a political meaning and understanding to the ways in which these respondents experience the marginalization of their sexualities and the performance of criminal sexual acts (Narrain, 2007).

### **Historicizing Sexuality in India**

As Khanna rightfully asks, “why historicize ‘sexuality?’” (2005). Historian Jonathon Katz poses an answer at the beginning of *The Invention of Heterosexuality*;

[B]y making the normal the object of a thoroughgoing historical study we simultaneously pursue a pure truth and a sex-radical goal: we upset basic preconceptions. We discover that the heterosexual, the normal, and the natural have a history of changing definitions. Studying the history of the term challenges its power (1995).

Hence a historical undertaking of sexuality challenges its universality, rigidity, and immutability. Contrarily, history visualizes the mechanisms of power behind such conceptions we take to be ‘true’.

Historical debates surrounding the existence of homosexuality in India run along two parallel tracks. On one hand is that which utilizes a position of cultural essentialism to describe sexuality. This perspective views culture as stagnant, fixed and unmoving, and is usually deployed by those in power to legitimate dominant sexual narratives and ideology. Within the context of the burgeoning Indian nationalist movement in the late nineteenth century, Partha Chatterjee notes that because, “there were no public spaces or institutions available to nationalists for constructing a national culture, the modern nation was fashioned in the autonomous private domain of culture” (in Kapur, 2001). During this time, Hindu nationalists and revivalists were reconstituting the home as well as sex and sexuality. They transformed these spaces into sites of “purity,” uncontaminated by the British colonial project, which had profound consequences for the role of sexuality in nationalist discourse. This discourse, reverberating in the middle class urban enclaves around the nation, constituted sexuality as “a negative, contaminating and corrupting force,” one which was to be carefully contained within family and marriage (*ibid.*).

At the same time, cultural essentialists also attribute the genesis of homosexuality to a location outside of the Indian nation. According to Kapur:

Gay sexual identity is cast as a Western import that is stripping [Indian youth] of the secure mantle of Indian cultural values, which reside in the institution of

heterosexuality. AIDS is also posited as an import from a decadent and promiscuous Western culture that is setting adrift Indian cultural moorings (2013).

Through the discursive deployment of homosexuality, those in power reinforce a hegemonic sexual ideology based on heteronormative and patriarchal conceptions of sex and sexuality. This argument has gained steam in the past decade as the emergence of the Hindu nationalist party has rapidly altered the political landscape. With its aggressive assertion of conservative neo-nationalism, the Hindu right's consolidation of power in government at the national level in recent years poses challenges for the malleability of coercive state institutions.

Although cultural essentialists reconstituted Indian sexuality as entirely Indian, independent of any external influence the British left an unavoidable colonial imprint on how sexuality was conceptualized before and after independence (Kapur, 2013). The nineteenth century in the United Kingdom was a time permeated by a moral climate that espoused values of sexual restraint, low tolerance of crime, and a strict social code of conduct. Victorian morality was influenced, in part, by the Judeo-Christian proclivities of the day, something which Indian nationalists would fervently resist later on. At the same time, a concomitant process was taking place in Western society: medicine and psychology were being constituted as the sole arbiters of truth and morality. They derived a biomedical conceptualization of the sexual self, one which defined and controlled 'deviant' and 'diseased' behaviors. The rise of biomedicine,<sup>1</sup> which declared itself as the authority on prescribing the 'truth' about sex and desire, provided the impetus for sexuality to be (re)conceptualized (Khanna, 2007). Foucault asserts that the elite that emerged during the nineteenth century did not silence itself in regards to sex; on the contrary, it introduced a 'machinery,' creating a

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<sup>1</sup> I choose to adopt Khanna's understanding of biomedicine as an 'explanatory framework' found in Western medicine. This denotes a 'Cartesian distinction' between mind and body which allows the body to become subjected to a process of signification, an object to which we attach a specific understanding and a certain meaning.

discourse that enveloped sex within a certain scientific ‘truth’. Gayle Rubin notes that in this understanding, sex is reconstructed as a natural force that is sinful and dangerous. Normal sexuality in its most pure form is understood as heterosexual, marital, monogamous, reproductive, and non-commercial. All sexual identities and behaviors will be subjected to scrutiny within the parameters of this normative sexuality (Rubin, 1984). Resultantly, those whose sexual universes fell inside of the medical norm were conceived as ‘natural’, and those whose universes were outside of the norm were not.<sup>2</sup> This method of hegemonic control led to the condemnation of many non-traditional sexual practices and the disenfranchisement of non-traditional sexual identities.

The colonial interface was a space that allowed for the institutionalization of British moral regimes, giving colonizers the ability to dictate the terms through which the self came to be in India. Through a vast network of institutions and controls, the British colonial state controlled how various dimensions of the self could develop. In this regard:

The power of colonialism lay not merely in the size of the army and the number of guns but, more appropriately, through the emergence of a ‘subjectivity’ that brought about a point where the colonized started understanding them‘selves’ in the same terms as the colonizers understood them; this, in turn, being a paler version of the way in which the colonizers understood themselves. (Khanna, 2007)

Khanna goes on to argue that biomedicine was an ‘authoritative vehicle’ for the implantation of Western ideas about the self into the Indian context (Misra, 2009). Consequently, the same heteronormative and patriarchal sexual ideology that dominated Great Britain became the dominant mode of discourse in India. What

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<sup>2</sup> Take, for example, the American Psychiatric Association and the World Health Organization’s classification of homosexuality as a medical disorder. Although both entities have now declassified it as such, this demonstrates the power of discursive modes of thought in its ability to what society perceives as true, something Foucault refers to as the ‘will to knowledge’.

we see here is the workings of biopolitics; the exercise of power whereby the body becomes “the object of a political strategy, of a general strategy of power, or, in other words, how, starting from the 18th century, modern Western societies took on board the fundamental biological fact that human beings are a species” (Foucault, 1976).

One avenue for institutionalization was the law. In 1860, Lord McCaulay of the Indian Law Commission drafted the Indian Penal Code. This comprehensive criminal code, resembling similar legal regimes in Britain at the time<sup>3</sup>, institutionalized a set of Victorian values within the judicial framework of the Indian state. Of specific interest for this paper is Section 377, which criminalizes all sexual acts against the ‘order of nature’. It reads:

Unnatural offences: Whoever voluntarily has carnal intercourse against the order of nature with any man, women or animal, shall be punished with imprisonment...which may extend to ten years, and shall also be liable to fine.  
Explanation: Penetration is sufficient to constitute the carnal intercourse necessary to the offense described in this section.  
(Narrain, 2007)

Though few cases of same-sex intercourse have been successfully prosecuted, there is a ‘socially constitutive’ role of the law that must be given weight. Section 377, “is thus not just a law but a worldview, which remains entrenched in legal structure, medical, family and media discourses and perhaps, most strongly, in the ‘common sense’ understanding of the people” (*ibid.*). In this sense, the British colonial encounter introduced a ‘virulent strain of homophobia’ (Gandhi, 2007) into Indian society through law, one of many carefully constructed mechanisms imposed to sustain a larger hegemonic power structure and the discourses it engenders.

Section 377 concerns itself with “unnatural” acts rather than “unnatural” types of people. Why, then, do we see various social,

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<sup>3</sup> Similar laws had been enacted in England up to this point, such as the Buggery Act of 1533 and Offences against the Person Act of 1828. For a history of the origins of sodomy law in British colonialism, see (Gupta and Long, 2009).

political, and legal ramifications for a specific class of defenders, namely those with alternate sexualities? Although the legal language applies to both hetero- and homosexuals in technicality, it has been argued that through a liberalization in the scope and reach of the law, the Indian judiciary has come to re-interpret ‘carnal intercourse’ to include sodomy, masturbation, and oral sex, along with many other non-procreative behaviors (Gupta, 2007). It is clear, then, that judicial interpretation of ‘indecent acts’ and ‘the order of nature’ evolved during the nineteenth and twentieth centuries alongside the social construction of normative sexuality. What was deemed normal corresponded with what was deemed natural, effectively, all that was heteronormative, patriarchal, and dominant in society. Law was being reconstituted as an institutional mechanism that legitimized the growing power of biomedicine and its attendant idea that sexual acts were innate expressions of particular sexual identities. As Gupta claims, “the target of 377, and the criminal law, is not this ‘grossly indecent’ act anymore, but the person himself, the sodomite, the sexually depraved and perverse- the consenting homosexual” . As courts legally interpreted a sexual act as an indication of a type of ‘self’, the law ensured that dominant discourse maintained hegemonic control over the manifestation of the sexual self, resulting in the creation of the ‘consenting homosexual.’ Indeed, the period between 1990 and 2000 saw 24 convictions under Section 377—the largest number of convictions in 150 years (Ramasubban, 2007).

This ‘socially constitutive’ effect of the law has played a large role in the levels of discrimination towards sexual minorities. The Peoples’ Union for Civil Liberties (PUCL) reported that Section 377 has become “the basis for routine and continuous violence by the police against sexual minorities at the level of the street and the police station...police engage in practices of illegal detention, sexual abuse and harassment, extortion and outing of queer people to their families” (Narrain, 2007). In addition to police brutality, a large amount of discrimination and social stigma against sexual minorities comes from the general Indian citizenry. Section 377 thus serves as another weapon through which power sustains itself. But a distinction here is critical: the law itself is not the causal factor in the exclusion and exploitation of sexual minorities. Rather, it only serves

to legitimize discrimination on the basis of sexuality by further institutionalizing a broader hetero-normative and patriarchal power structure within other spaces of discourse, such as the media, family, medical communities, and religious institutions.

The dominant understanding of sex and sexuality has, over the years, naturalized and universalized a set of ideas about sex. The colonial period initiated a process of reconstructing the meaning of these terms, one that reconceived sex and sexuality as negative, contaminating and corrupting forces. Paradoxically though, “The idea of sex and sexuality as a dangerous corrupting force, to be carefully contained at all costs within family and marriage, was as Victorian as it was Indian” (Kapur, 2001). Following the independence of India, Indian nationalists sought to establish an authentic Indian culture that was entirely disassociated from its colonial legacies. This seemed to be easier said than done. Constrained in the discourses at their disposal to describe sex and sexuality in Indian, nationalist leaders turned back towards biomedical explanations. Locating the apex of Indian culture with the “Home,” post-colonial Indian conceptualization of sex and sexuality succumbed to a “purifying” lexicon that maintained the heteronormative and patriarchal undertones of Victorian England. Homosexuality was deployed as a Western import that was contaminating the Indian family with its proselytizing agenda (Kapur). The theme of contagion and contamination was in the forefront of these arguments, sustaining a biomedical dichotomy that politicized bodies as either “normal” or “abnormal,” “natural” or “unnatural.” And normal sexuality was that which was heteronormative, patriarchal, private, and procreative. So although Hindu revivalists, beginning in the nineteenth century, placed sex and sexuality within a “pure” space of Indian culture, uncontaminated by the colonial encounter, the articulation of the post-colonial sexual self in India was conceptualized and regulated through a network of controls derived during the colonial period.

In the past twenty years, however, alternate sexualities across the subaltern continent have been increasingly challenging these hegemonic discourses. They look at the history of sexuality from a cultural hybridity approach. According to Kapur, cultural hybridity argues that, “culture is and continues to be in a process of

construction. And this process creates space for the possibility of alternative sexual practices and behavior that both challenge and subvert dominant sexual ideology.” It represents a post-colonial moment, or “the point of recognition that a return to a set of uncontaminated values is impossible” (2001). Thus, this perspective presents the argument that homosexuality has existed historically in India, and is, in fact, not a Western import. Many have pointed to the historical Hindu festivals and sects that celebrate homosexual activity, discussions of sodomy in the *Kama Sutra*, the court customs of Babar, lesbian references in the *Mahabharata* and *Ramayana* epics, and the Tantric initiation rites which center around the idea of universal bisexuality (Joseph, 1996). Similarly, the increasing visibility of alternate sexualities in Indian society challenges the essentialist notion that homosexuality is a Western phenomenon. It provides what Stuart Hall claims as the post-colonial moment in India (in Kapur, 2001), one in which the recognition of alternate sexualities in India must be taken as a given. Beginning in 1986 with the first hijra conference in Bhopal, the founding of the first gay magazine, *Bombay Dost*, in 1990, and the formation of Sakhi, a lesbian collective in Delhi in 1991, an embryonic counter-discourse emerged foregrounded in desire and pleasure (Narrain, 2004).

This counter-discourse has been challenging the ways in which citizens can engage with state-sanctioned heteronormativity and patriarchy. As Kapur importantly analyzes:

The sexual subaltern subject-in-pleasure can challenge the dominant cultural and sexual norms that perpetuate the notion that sex is dirty and corrupting, that it needs to be curtailed, confined, restricted, and cabined. The foregrounding of pleasure and desire challenges the ways in which cultural essentialism is used in law to reinforce a negative representation of sex and casting it as something that is alien to Indian culture and ethos. And the pursuit of desire and pleasure, at least as a heuristic device, is both positive and empowering. (2001)

By offering a new paradigm through which to evaluate the functions of sex, this evolving dialogue offers a counter-hegemonic possibility to critique broader relations of power. It inverts the “normal” understanding of sex from one that is corrupting and in need of repression, to one that is asserted as a right and an affirmative experience. In effect, then, it renders the heterosexist and patriarchal institutions that provoke and sustain such conceptualizations. Furthermore, it establishes avenues for legal recourse. As we have already seen, law is a means through which dominant sexual scripts set the boundaries on normative sexuality. When the sexual subaltern subject-in-pleasure engages in political action by accessing the law, it “counters the weight of sexual and cultural normativity as she transgresses the boundaries of both. In challenging these normative boundaries, she creates the possibility for the recognition of multiple sexual identities or sexual practices through redefining and redrawing the boundaries” (Kapur). By altering the lexicon used to situate the subject in the broader universe of sexual identities and behaviors, the sexual subaltern subject-in-pleasure legitimizes its own existence as inherently non-heteronormative and patriarchal. In doing so, it allows for the recognition of a myriad of sexualities by blurring the rigid boundaries between natural and unnatural identities that dominant discourse imposes in order to safeguard its hegemony. Power relations are reconstituted.

There are limits to this discourse’s effectiveness in the contemporary moment, however. Minority groups, if they wish to communicate, must express themselves through dominant structures. Therefore, in order to counter a dominant discourse, sexual subalterns must speak in dominant modes of expression. Hence biomedical discursive methods surrounding sexuality allowed for a slew of controls to limit the parameters of speech. However, “it also made possible the formation of a ‘reverse’ discourse: homosexuality began to speak in its own behalf, to demand that its legitimacy or ‘naturality’ be acknowledged, often in the same vocabulary, using the same categories by which it was medically disqualified” (Foucault, 1976). While dominant sexuality discourse provides space for homosexuals to challenge the ways in which it has conceptualized them as unnatural, it is limited in that it forces queers to articulate

their claims within the limits of the framework. A biomedical discourse, then, has effectively created a ‘science of sexuality’ (Foucault).

Normative sexuality in India has been constituted, in part, through the legal adjudication of the “natural” and the “unnatural”, the “normal” and the “abnormal”. The consequences for queer politics in India are far-reaching. As Khanna explains:

It is through the employment of bio-medical explanations for desire that biomedicine is reinstated as the speaker of all truth about desire, sex, the body. As much as biomedicine creates the ‘sexuality type’, the ‘sexuality type’ recreates biomedicine; as much as biomedicine depoliticizes the framing of sexual universes, the LGBTKQJH... movement ensures that the political nature of bio-medical formulations remains unseen (2007).

Indeed, the bio-medicalization of desire and pleasure are implicit in the claims with which the Indian queer community fights for its rights. Sexuality is conceived as an innate part of the human person, one that is immutable and internal, something beyond one’s control, and something you are born with. The only way in which non-heterosexualities can recognize their ‘selves’ amidst this hegemonic power structure is within a framework of personhood. As a result for members of the queer community, their alternative sexual identities are as natural as those with heterosexual identities. Petitions challenging the constitutionality of Section 377 have argued that sexual immutability necessitates respect for their fundamental rights to protection against discrimination, freedom of speech, the right to life and liberty, including dignity and privacy (Ramasubban, 2007).

As Khanna forewarns in the quote above, biomedicine depoliticizes sexual universes. It is a consequence of a biopolitics that strips the political meaning out of sexual identities, behaviors, and discourses. This has important consequences for the conceptualization of political action in the context of counter-discourse. One of these comes in its failure to “address the social, cultural, economic, and political processes through which hetero-

normativity, and the violence it engenders, work” (Khanna, 2005). To naturalize sexuality is to render complex sexual universes meaningless as a political tool to question the creation of hegemonic heteronormativity. The other issue manifests in its enabling of “‘coalition’ rather than ‘intersectionality’” (Khanna). Articulating on sexuality essentially is used in India to discuss ‘homosexuals’ rather than as a framework through which one can address dominant modes of heteronormativity and patriarchy that affect a much larger population than just the queer community.

### **Biomedical Conceptualizations of Sexuality**

An analysis of the discursive content utilized by the respondents reveals the contemporary limits within which they are able to conceptualize their sexual universes. While definitions of sexuality diverged, all participants alluded to the idea that their sexuality inhered within their person. Typical phrases used to describe their sexuality ranged from “something to do with your most deepest desires”, “how I express myself”, and “a physical and emotional response”. Others conceptualized it in terms of the driving force “romance”, “sensuality”, and “sex”. However defined, all conceptualizations of sexuality located it within the body, where its expression manifested itself naturally. Rahul,<sup>4</sup> a doctor living in North Delhi, responded in a particularly enlightening manner:

See for me sexuality is something which is from your inner side only, it is something which you are born with. Your sexual orientation is one part, and I think the way you behave, the way you carry yourself, be it in a manly way or a womanly way, I think those are some secondary sexual characteristics that I would like to take as part of your sexuality. It is all just a part of you. (Rahul, personal communication, April 19, 2014)

Any statement that claims sexuality to be something “you are born with”, and something that is “a part of you” immediately precludes

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<sup>4</sup> In order to protect the identities of all participants in the study, pseudonyms will be used when referencing each subject.

the ability for sexuality to be understood as socially and historically constructed. Rather, it perceives sexuality as a constituent part in an identity that is time immemorial and rooted in biological determinants.<sup>5</sup> As Khanna notes, this framework allows individuals “to relate their sexual desires and sexual behavior to their ‘selves’” (2007). It is in this understanding that individuals are able to internalize the idea that what and who they do sexually defines, in part, who they are. Sexuality becomes a part of personhood.

Sexuality, then, is decontextualized and taken to be quite monolithic. For Khanna, one effect of this lies in its legitimization of types of sexualities. Latent in these reductionist claims is the notion that “there just *is* something about a person that can be called a ‘sexuality’ and that this sexuality can be of different types, most often, hetero-, homo-, or bi-” (Khanna). As a result, it allows people to look at sexual lives through different types of people by ascribing specific identities to them. This rhetorical mode of sexual classification, then, justifies a sexuality movement as it creates spaces for sexualities to define themselves as ‘alternative’, ‘sexual’, ‘marginalized’, and a ‘minority’ (*ibid.*). Thus conceiving sexuality as part of personhood and as part of an identity, as all interviewees have done, limits the ways in which they can understand their sexual universes. It is limited not only in where we understand sexualities to come from, but the ways in which we are ‘called upon’ (Foucault, 1976) to recognize our ‘selves’ in various contexts.

One particular conversation illuminates such limitations. When asked how he identified his sexual orientation, Arjun, a journalist for a prominent Indian newspaper, responded in a way that excavated the assumptions buried within the question. He claimed to identify as ‘gay’, but said that the question of labeling was a ‘dicey’ issue for him. This was due, in part, to the fact that he has dated women for a long time and has not always been exclusively attracted to men. He goes on to say that:

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<sup>5</sup> This paper does not claim that there are no biological determinants to sexuality or identity. To do so would be foolish. What it does argue though is that taking either to be solely derived from internal process misses effects of time, space, and people on their expression.

I wouldn't want to ascribe a label to myself but... socially of course it becomes a lot easier with friends. There was a period where I tried explaining to people how labels are problematic, or at least for me, there wasn't a particular fixed rule like, 'okay so because I like guys at 23, I have to like them at 70 also'. So the problem there was that every time this would come up, it would involve a lot of explanation. Like 'oh you like guys so doesn't that make you gay' 'but do you still like girls? How does that work?' They just couldn't understand and it ushered in more problems than labeling myself would. (Arjun, personal communication, April 23, 2014)

In order to communicate within society, queer individuals in India must speak through the dominant modes of expression. Arjun's account illuminates the complications of this process: specifically, how a biomedicalized interpretation of sexuality limits the ways one can self-identify. While Arjun conceives of his sexuality as both mutable and fluid, he understands that his social inclusion is dependent on the de-politicization of his sexuality. As a consequence, he is forced to identify within a causal process that links biological drives, like "attraction," to specific types of sexual identities. The necessity of do so is readily clear when he explains his friends' inability to make sense of his alternative sexuality in any way other than that which makes sense of same-sex attraction and behavior only by viewing it in a homosexual lens.

Hence, the ways participants are allowed to act upon their 'selves' are constrained within the parameters set by dominant modes of thought. In the process, these participants become 'subject to a sexuality type' that is put into effect and maintained through these discursive modes (Foucault, 1988; Khanna, 2007). The subconscious attribution of specific behaviors to specific identities serves as a self-fulfilling prophecy. For example, in response to a question that asked whether Section 377 criminalizes acts or identities, one participant, Mahesh, an active member in the queer activist community, argues that:

One aspect of sexuality is what you realize about yourself. But all of these things are acted upon, you act upon everything that you know about yourself. And if this law targets one of the most fundamental things that you act as, then it pushes you back in your head a little bit, or a lot for some people. For a lot of people who have never been able to access the Internet or access gay parties, what would be the only expression of their homosexuality? It would be a sexual encounter. Maybe. Maybe I have been simplistic, but it could be a big part of it. (Mahesh, personal communication, April 18, 2014).

Mahesh speaks to the limitations in the way in which queers in Delhi are ‘called upon to recognize themselves’ (Foucault, 1976). Sexual encounters, in their expressive capacity, become the determining feature in recognizing a homosexual identity. And as Mahesh explains, such behavior also allows queers to make sense and “express” an internally derived sexuality. Clearly, then, a dominant post-colonial biomedical discourse that allowed an Indian middle class to link bodily behavior to their ‘selves’ meant characterizing a person’s sexuality type by what they ‘act as’.

This relationship is complicated, however, when considering a local Indian practice referred to as *masti*. In English, it translates into fun. But in reference to sex, the meaning is more closely meant to describe homoerotic interactions between boys who do not describe themselves as homosexual. For Kumar, a PhD candidate at a midsize university in the United States, this “opens up desire so much more...The point of queer politics is to open up that conversation and say it is not a mistake, its *masti*. But that’s not how a lot of people see it ” (Kumar, personal communication, April 23, 2014). Kumar describes the political possibilities behind a queering of sexual universes: *masti* provides a space to contest the rigid sexual boundaries that have been instituted and maintained by heteronormative institutions. However, as Indian academic Ashok Row Kavi reminds us, India’s heterogeneity has thus far impeded the development of a common gay identity that holds true across socio-economic and linguistic boundaries (Brass, 1997). Therefore, those

who engage in a bit of *masti* refuse to identify their selves as homosexual. Dominant modes of thinking about *masti* support this conclusion, especially when Kumar says that society tolerates it by “acknowledging it as merely harmless fun between friends.” Thus, participants degrade the politicizing effects *masti* has on a wider discourse surrounding heteronormativity and patriarchy by removing the causal linkage between same-sex behavior and sexual identity. In describing *masti* as an ephemeral, fleeting process found among some heterosexual men, dominant discourse closes the space that *masti* opens for critiquing the effects of larger structures of power, even within the Indian queer population.

### **Sexuality Politics and Sexual Activism in India**

After having demonstrated the modes through which queer individuals come to categorize sexual identity through patterns of sexual behavior, it is both necessary and important to evaluate the consequences for conceptualizing sexual politics and political action. Following a discussion on the nature of sexuality, respondents were asked questions regarding the political nature of sex and sexual activism. All respondents insisted that sex was political. While not overtly stated by any, participants offered justifications that centered on the idea that sex mediated a relationship between the citizen and the state. Sex was political, then, because “a lot of morals, values, and regulations are attached to the act of sex” (Yash, personal communication, April 17, 2014), or because “what you do in certain kinds of privacy will actually always reveal your fundamental worldviews” (Kumar, personal communication, April 21, 2014), and even because “everything that one does, expression of gender, expression of sexuality becomes a part of a larger political expression of defying or not conforming to norms. If the rule of law reaches into your bedroom, then your (sic) not conforming to that norm also becomes a political expression” (Arjun, personal communication, April 23, 2014). In essence, this subset of queer Delhiites deploys a counter-discourse rooted in Foucauldian biopower: it argues that any form of interaction—and not just interaction with two or more people, but with yourself—is mediated through structures of power.

It recognizes that the body is the site at which politics is acted out, and as a consequence, the centrality of the biopolitical as a means of doing politics.

This is extremely important, for it allows queers to conceptualize sex as an instrument of power. In doing so, this framework engenders the queering of alternative sexual behaviors and identities. The responses above indicate that politicizing sex allows respondents to establish a particular “positionality vis-à-vis the normative” (Hallerin, 1995). For example, one respondent identifies as queer because:

I have found people outside of that box sexually attractive and had crushes on folks who were not men, biologically. And queer is important for me because it also suggests that perhaps what I am going to be today will not always be my truth and I am open to the idea of just desiring new things, new ways of doing the same things, being, for instance, open to the idea of kink, something that I cant see outside of a queer framework. (Amit, personal communication, April 28, 2014)

One sees similar patterns in both males in that their objects of desire do not manifest in a singular type of person. Whereas the former interviewee chooses one way to traverse this landscape, the current interviewee chooses another. In this context identifying as queer allows the ‘truth’ to be malleable, a fluidity of sorts. It breaks down ‘antagonistic binaries’ (Joseph, 1996) that take heterosexuality and homosexuality as pre-discursive. In doing so it re-conceptualizes sexuality as something less rigid. According to the respondent above, kink (sexual practices which move beyond what is considered sexually ‘conventional’ or ‘normal’), inherently subverts the heteronormative and the patriarchal and thus must be seen in a queer lens. In this regard, queer subjects are directly challenging the dominant discourse that seeks to sustain heteronormative and patriarchal interpretations of sex and sexuality.

At the same time, substantial limitations existed for a queering of sexual activism. While participants were of the

understanding that sex is political, no individual thought that a sexual action in itself was a form of activism. Respondents were asked whether they continued to perform “unnatural” sexual actions after Section 377 was upheld in December of 2013. The question was met with a slight tone of rebuke from some participants. All but one participant answered affirmatively. Between the years when “unnatural” sex was decriminalized and recriminalized, many participants similarly noted that “the reasons for having sex were not profoundly different. It is just that you wanted sex” (Deepak, personal communication, April 27, 2014). Another participant reinforced this sentiment when stating idea: “I have sex because its (sic) part of who I am, its (sic) my need” (Rohit, personal communication, April 23, 2014). For many participants, the ability to have sex without thinking about the criminal ramifications depends upon their ability “to prove otherwise, or to be able to fight that fight if it happens” (M. Aditya, personal communication, April 29, 2014). What these justifications imply is that the intent of engaging in “unnatural” sexual behavior remained static as the political and judicial contexts shifted. The understanding of this intent among participants is rooted in their proclivity to root non-heteronormative sexual behaviors in a biological need, a medicalized understanding of attraction and desire.

This intense debate veils the larger issue of queer consciousness in constructing definitions of sexual activism. The participants identified the doing of activism to come in “the bigger political struggle” (Rajiv, personal communication, April 25, 2014), in “openly identifying yourself that denotes the defiance of law” (Arjun, personal communication, April 23, 2014), or “the idea that you are out there working with your identity in public with others” (M. Malhotra, personal communication, April 24, 2014), or “the expression of the identity, not with the act of sex” (K. Kalra, personal communication, April 24, 2014). Thus, sexual activism was characterized as that which was public, collective, and centered around identity. The process of doing sexual activism, defined in this way, involved the re-appropriation of alternate sexual identities by a collectivity in the public sphere. In this framing, sexual actions could not be framed as political action because they were conceived as

private, dyadic, and meant to satisfy biological needs. So although four participants relayed stories in which they joked with their sexual partners about their “criminal” behavior, the conscious intent to behave sexually not political, but biological in nature. To recognize the subversive potential of these behaviors at the same time as denouncing their political meaning is to, in the words of Khanna et. al, to strip those acts of “the possibility of the very idea of ‘shear criminality’” (2013). Hence, by conforming to dominant modes of activism, queer subjects have engendered a process in which sexual actions become de-politicized and identities politicized.

This is what allowed many participants to claim that engaging in criminalized sexual behavior was not an active defiance of the law. Rather, it was the understanding that “we will not stop because of the law” (Arjun, personal communication, April 23, 2014). Implicit in this claim is the notion that sex is not a form of civil disobedience, but an avenue to satiate biological needs and desires. It strengthens the dominant script that indoctrinates Indian’s into believing that citizen action must be visible and displayed through a well-developed ideology (Khanna et. al, 2013). What this fails to consider, though, is the personal realm of sexual activism and the political consequences it engenders. When acting upon subversive sexual desires, the queer subject engages with the state because it is employing the body as space to challenge dominant modes of heteronormativity and patriarchy. But even in a queer counter-discourse, whose nomenclature is by definition more ‘inclusive’, who speaks, how they speak, and what institutions allow them to do so is subject to a process of regulation and control. As Foucault reminds his readers, power is omnipresent; its reach over society has no limits. It maintains a hold over its peripheries just as strongly as its center (1976). As we will discuss in the next section, a broadened conceptualization of sexual activism has large implications for activist communities across India.

### **Re-Conceptualizing Sexual Activism**

This essay does not attempt to argue that biological forces do not underlie sexual activity. Rather, it argues that sexuality is not comprehensible in purely biological terms (Rubin, 1990). The ways in

which individuals have been socialized into speaking about sex biomedically has precluded any ability to understand the social, historical, or political implications to sex. To take sex as pre-discursive is to avoid questions such as: why do people have sex, for whom do people have sex, how do people have sex, what is being said when people have sex, and to whom? The answers to these questions offer a much more nuanced look into the politics of sex and sexuality and perhaps provide a way out of a singular ‘truth’ about sex. These are the types of consideration one must make when thinking about any dialogic process.

Providing an alternative framework for judging sexual behavior breaks down the limiting effects of a bio-medical discourse that posits sexual essentialism as the sole ‘truth’ of sex – “the idea that sex is a natural force that exists prior to social life and shapes institutions...and classifies sex as a property of individuals” (Rubin. ‘True’ normal sex comes to be constituted as that which is private, penile-vaginal and man-woman. To engage in any other type of sex is to say a lot about one’s willingness to abide by social and legal dictates. Further, appreciating sex as partly socially constructed, alongside its bodily need, can provide increased agency in regards to the functions sex can serve.

To begin with, one must recognize the similar pitfalls an activist discourse faces when trying to locate sex’s role in activism. The concept of activism is largely centered around collective action in a public sphere where one speaks about ‘marches’, ‘protests’, in an attempt to bring about ‘social change’.<sup>6</sup> But in reality activism is one of those elusive terms that everybody uses, but never takes the time to concretize. Often recognized, activism comes in various manifestations and on various levels. What this paper seeks to emphasize is the diversity of forms one can *conceptualize* activism to be. While the majority of participants were hesitant in accepting sex as activism, some responses offer some space in which this can be done. One participant says, “I think anyone who has accepted a life where they’re not going to take silence as an option or where they are not going to allow oppression to be the norm through which they

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<sup>6</sup> Buzzwords such as these continuously came up throughout all interviews when individuals were speaking about activism

confront and interact with the world is an activist” (Kumar, personal communication, April 23, 2014). The ways in which one confronts oppression differ variably according to time and place. As such, another interview identifies as an activist ‘ideologically and personally’ as opposed to organizationally and structurally (Deepak, personal communication, April, 27, 2014). He touches on a conceptualization of activism that does not necessitate participation in marches, protests, or strikes, but one that is defined by an internalization of a non-conformative lifestyle. Such a personal level of activism has important implications.

Perhaps a possibility of conceiving sex as a form of activism is best located in a discourse on choices. When asked how criminalization has influenced his perception towards sex, the response of one interviewee is enlightening; the law has the, “potential to change the way I could behave but I choose to not make any changes as a further step of defiance and resistance against this very regressive verdict” (Deepak, personal communication)). It is in this concept of potentiality where the activism lies. The criminalizing verdict offered queer males two choices: either abide by the law and refrain from sexual encounters, or continue to have sex, for whatever reason they perceive motivated them to do so. Therefore, if we take activism as not just organizational, but as personal and ideological, anyone who does not allow the law to affect the way in which they behave have the potential to be seen as performing sexual activism.

At this point we return to Agamban’s theory of the “Sovereign Power and the Bare Life,” which provides with a new way to interpret the politics of sexual behavior. Applied to the current juridico-political context in India, Agamban would recognize the fact that the Indian state has instituted “a state of exception” over all those who engage in non-heterosexual practices, stripping them of all the protections of the law (cited in Khanna et. al, 2013). The “illegal citizen,” thus exists outside the realm of normative citizenship, with little to no recourse for obtaining legal benefits and protections. In such a context, Khanna reminds us that in the context of the Indian queer movement, a counter-discourse has ascribed a “right to sexuality” only through the reduction of the Queer body to the bare

life (2007). Additionally, Lawrence Cohen notes that people use their bare life in order to stay politically relevant (cited in Khanna et. al, 2013). The effects of a Foucauldian biopolitics is irrefutable in this context: constrained within a bio-medicalized body that is subjected to a complete political apparatus, queers in India have, necessarily, centered their human rights claims around the body. By positioning the body as the site at which the politics of sexuality are played out, any non-heteronormative sexual action is an assertion of agency and independence as it directly resists conformative norms surrounding sex. Any type of non-conformativity is inherently resistive in its subversion of the ‘normal’. Frankly, then, all non-normative sexual behaviors are performances in sexual activism if they are predicated upon the “the defiant insistence on acting as if one is already free” (Graeber, 2011).

### **Conclusions**

Gay and queer males in Delhi have been systematically regulated in the way they perceive and speak about sex, sexuality, and the law. Through a historical process of bio-medicalization, dominant power structures have effectively constructed a sexual ‘truth’ that takes our sexual universes to occur naturally. This has led to a limited knowledge rooted in the understanding that such entities arise from within the person. As a result, a truth so widely accepted construes sexuality as both pre-discursive and ahistorical. This restricts the ways in which queer individuals speak about their ‘selves’ and how they fight for their ‘human rights’. Underlying these claims is the assumption that humans are just born with certain inalienable rights. What this doesn’t consider, however, are the social, historical, and political processes that deemed such rights as ‘inalienable’, sex as a ‘biological and emotional need’, and sexuality as ‘internal to the person’. It does not consider, however, how these concepts have been constructed over time. Opening up the discourse on sex and sexuality will reopen those difficult questions and has the ability to problematize a set of controls that allow heterosexuality to be compulsory.

Nivedita Menon writes a telling article on compulsory heterosexuality entitled *How Natural is Normal?* In it she argues that if

normal sexual behavior were in fact so natural, then it wouldn't need a vast network of controls to keep it in place. She asks her readers to: Go back to the notion of 'sexual preference'. One way of mounting a limited critique of homophobia is to assert the liberal credo that everyone has the right to her privacy, and feminists must recognize that many people are not heterosexual. This is better than nothing, but it is not a radical challenge to heterosexuality, in that it does not recognize the *compulsory* nature of heterosexual institutions. Underlying that as long as consenting adults are involved, sexual preferences are private matters from which the law should keep out, is the assumption that 'sexuality' is a private matter, that 'normal' sexual behavior springs from nature, and that it has nothing to do with culture or history. But if we recognize that sexuality is located in culture, we have to deal with the uncomfortable idea that sexuality is a human construct and not something that happens 'naturally'. (2005)

In a liberal legal framework, the 'human rights' that are bestowed upon each individual remain unquestioned. They rest as imperatives that must be guaranteed to each human, because they exist as part of humanity. Decriminalization has remained *the* issue in the battle for queer rights in India. What must be remembered, though, is that Section 377 is merely symptomatic of a broader sociopolitical battle against hetero-normativity, patriarchy, and its hegemonic stronghold over society. In order to reduce the number of Rahul's in urban India, decriminalization must be prioritized *alongside* combating social and political stigmas, not above it. It is the structures of power, the compulsory nature of heterosexuality and patriarchy that justify the existence of laws such as Section 377. This is where the battle must move. Menon asks "*how natural is normal?*" in an attempt to critically engage with the notion that 'normal' sexual behavior exists. This paper has attempted to answer the inverse: *how normal is natural?* Concretely, are sex and sexuality natural phenomena, or something more nuanced?

The truth is dangerous. At a time where individuals preoccupy themselves with 'uncovering the truth', and 'telling the truth', it seems as though, in certain realms of life, there has been a disengagement with critical thinking. This essay is not an attempt to argue that there is no truth to a biomedical conceptualization of sex

and sexuality. Rather, it suggests that it is not its only truth. One must create and conjoin multiple discourses in order to create a more holistic understanding of sex and sexuality. One way to do this is to embrace, rather than stifle, diversity and non-normativity in all of its facets. Borrowing from a conversation with one interviewee, we must weigh in our heads, “if something is so, why is it so, and just because it is so, should it be so, and could it be something else” (Parth, personal communication, April 24, 2014)? We must not be afraid to ask the difficult questions. We must create new meanings. We must attack the problem at its root. After all, it is the livelihoods of queer individuals that are at stake.

As such, the movement must make more people a part of the conversation. In order to fight back against hetero-normative and patriarchal systems of power, one must realize that those who are affected do not just include LGBTKH... but single mothers, people living in untraditional familial setups, polygamists, sex workers<sup>7</sup>, and those who engage in either hetero- and homosexual, non-procreative sex. Fundamentally, then, the queer movement must redefine what it means to be queer. It must co-opt a more inclusive reconceptualization, one which gives those who don't identify as homosexual the confidence needed to ascribe a queer identity to themselves. Expanding the definition of queerness inherently increases its subversive potential. Power comes in numbers, and the ability to mobilize larger sections of the population will inevitably strengthen the movement's ability to resist the system. Collective action that amalgamates multiple ‘truths’, multiple identities, and multiple perspectives<sup>8</sup> can attack the legitimacy of hetero-normative and patriarchal structures at its very root. What this necessitates is a democratization of queerness, and the movement that fights for its

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<sup>7</sup> Distinctions must be made, of course, between those sex workers who enter the trade willingly from those who do not.

<sup>8</sup> It is important to recognize the danger in amalgamating identities, for single mothers and homosexual men are affected by power structures in different ways and will therefore need different solutions to redress their grievances. However, what is important here is that underlying the marginalization and stigmatization of all these groups is the compulsory nature of heterosexuality and patriarchy.

own acceptability and recognition. This is far easier said than done. But then again, the course of democracy never did run so smooth.

### **Acknowledgements**

This study would not have been possible without the guidance and direction of all my professors at the School For International Training, including Dr. Azim Khan, Abid Siraj, Bhavna Singh, Goumtam Merh, Archna Merh, and Kishore Gadri. I have to thank all of the interviewees who so willingly participated in this study and spoke so openly about their experiences. To Amiy Shukla and Kranti L C, who provided me with a way in to the community, thank you for your invaluable help. Finally, and perhaps most importantly, to my parents and my family who have continuously provided me with the opportunity to experience the world, this study would not have been possible without your constant support.

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